

STAFFING

1. **REASON FOR ISSUE:** To revise the Department of Veterans Affairs (VA) policies and procedures for the appointment and advancement of Hybrid Title 38 (HT38) occupations. The revision to this policy will be done in three phases. This revision covers Phase 1 and will apply specifically to Medical Support Assistant, GS-0679, Medical Supply Technician (Sterile Processing), GS-0622 and any occupations approved for hybrid status before or after the publication date of this policy.

2. **SUMMARY OF MAJOR CHANGES:** This handbook contains mandatory VA procedures on appointing and advancing HT38 occupations. The pages in this issuance replace the corresponding page numbers in VA Handbook 5005. Revised text is contained in brackets. These changes will be incorporated into the electronic version of VA Handbook 5005 that is maintained on the Office of Human Resources Management (OHRM) Web site <http://vaww.va.gov/OHRM/HRLibrary/HRLibrary.asp>. Significant changes include:

- a. Abolishes Appendix Q “Procedures for appointing and advancing Medical Support Assistants” under Part III as this occupation will now be covered by Appendix U in Part II.
- b. Adds Appendix S to Part II for guidance on implementation of HT38 qualification standards.
- c. Adds Appendix T to Part II for guidance on conversion of title 5 occupation(s) to HT38 authority.
- d. Adds Appendix U to Part II for guidance on the appointment and advancement of HT38 occupations covered under the appendix.
- e. Removes requirement of Professional Standards Boards for the HT38 occupations covered **under Appendix U**.

3. **RELATED DIRECTIVE:** VA Directive 5005.

4. **RESPONSIBLE OFFICE:** The Recruitment and Placement Policy Service (059), Office of the Deputy Assistant Secretary for Human Resources Management.

5. **RESCISSIONS:** None.

CERTIFIED BY:

BY DIRECTION OF THE SECRETARY

/s/

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/s/

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PART II. APPOINTMENTS

CHAPTER 3. TITLE 38 APPOINTMENTS

SECTION A. GENERAL

1. SCOPE

- a. **General.** This chapter contains administrative requirements and procedures relating to the appointment of individuals to occupations identified in 38 U.S.C. 7306, 7401(1), and 7401(3); and employees in those occupations who are appointed under 38 U.S.C. 7405. This section also applies to medical support personnel appointed under authority of 38 U.S.C., chapter 73 or 74.

NOTE: *All references throughout this handbook to occupations identified in 38 U.S.C. 7401(3) includes those occupations not specifically listed in Section 7401(3) but approved for hybrid status by the Assistant Secretary for Human Resources and Administration in accordance with the provisions of paragraph 2 below. See Appendix III-O for a complete list of hybrid occupations.*

[NOTE: The requirement for professional standards boards to hybrid title 38 occupations throughout this handbook does not include: 1) Medical Support Assistant, GS-0679; 2) Medical Supply Technician (Sterile Processing), GS-0622; and 3) any occupations approved for hybrid status before or after the publication date of this policy. For policy and guidance on appointments and promotions pertaining to these occupations see Appendix U of this part.]

- b. **Central Office Appointments.** Provisions of this section apply to Central Office employees in the occupations indicated in subparagraph a. who are appointed under 38 U.S.C. 7306, 7401(1), 7401(3), or 7405. The terms “medical center officials” and “facility Director or designee” refer in Central Office to the Under Secretary for Health or designee.
- c. **Residents.** Medical and dental residents appointed under 38 U.S.C. 7406, and podiatry, optometry, and chiropractic residents and trainees appointed under 38 U.S.C. 7405 are included within the scope of this section. The term resident as used in this chapter includes interns.

d. **Exception from the Competitive Service and the Provisions of 5 U.S.C. Chapter**

51. The appointments of persons under the authority of sections 7306, 7401(1), and 7401(3), and under sections 7405 and 7406 to occupations identified in those sections, are excepted from the competitive service and from 5 U.S.C. Chapter 51.

2. AUTHORITY AND RESPONSIBILITY

a. Designation of Title 38 Hybrid Status for Health Care Occupations

(1) The Assistant Secretary for Human Resources and Administration, subject to the concurrence of the Under Secretary for Health, is delegated the authority to approve health care occupations for conversion to title 38 hybrid status under 38 U.S.C. 7401(3) provided such health care occupations:

- i. are not occupations relating to administrative, clerical, or physical plant maintenance and protective services;
- ii. would otherwise receive basic pay in accordance with the General Schedule under section 5332 of title 5;

3. APPOINTMENT REQUIREMENTS AND DETERMINATIONS

a. Preference to Veterans

(1) The primary consideration in making appointments of physicians, dentists, podiatrists, optometrists, chiropractors, nurses, nurse anesthetists, PAs and EFDAs under 38 U.S.C., chapter 73 or 74, will be the professional needs of VHA. Consistent with this policy, however, veterans will be given preference when qualifications of candidates are approximately equal. This includes qualified disabled veterans and preference eligible as defined in 5 U.S.C. 2108. See part I, chapter 4, for positions identified in 38 U.S.C. 7401(3).

(2) When qualified Veterans apply for appropriate vacancies, it is important that VA health care facilities establish and maintain documentation within HR files to demonstrate that qualified preference eligible and other Veteran applicants received appropriate consideration for positions being filled, and to address the relative qualifications of preference eligible and other Veteran applicants. At a minimum, facilities must be able to demonstrate from the written record why the qualifications of non-selected preference eligible and other Veterans are not approximately equal to those of selected candidates who either lack preference or are non-Veterans, respectively.

[NOTE: VA is required to follow title 5 Veterans' preference rules when hiring individuals for Hybrid Title 38 positions. See 38 U.S.C. 7403(f)(2); VA Handbook 5005 Part I, Chapter 4.]

b. Dual Employment and Dual Compensation Restrictions

(1) Except as provided in the subparagraphs below, no full-time employee appointed under authority of 38 U.S.C., chapter 73 or 74, will concurrently hold any other type of paid appointment in VA.

(2) The following personnel may hold more than one appointment provided it is not contrary to 5 U.S.C. 5533 and VA directive and Handbook 5007, Appendix F, Paragraph 3, Pay Administration: full-time personnel appointed under 38 U.S.C. 7401(3), personnel in occupations listed in 38 U.S.C. 7401(3) who are appointed on a full-time or part-time basis under 38 U.S.C. 7405(a)(1)(B), and medical.

e. **Periodic Reviews**

(1) **Informal Reviews**

(a) Supervisors will review the services of employees through observation and evaluation of their performance and conduct during the probationary period. When the employee has had an opportunity to understand performance expectations, the supervisor should give consideration to any inadequacies in performance. The employee's weaknesses should be discussed objectively with the employee and suggestions made for improvement. If the employee's performance is considered good or outstanding in some aspect, this fact should be made known to the employee.

(b) If the employee's performance or conduct are not satisfactory, the employee's immediate or higher level supervisor will submit a written request for formal or summary review in accordance with VA Handbook 5021, Part III, Chapter 1. This request will describe the employee's performance and/or conduct deficiencies, and the supervisor's efforts to address the deficiencies, such as counseling, training, modification of assignments, use of preceptors, etc., to assist the employee. The request may be initiated any time during the probationary period, and may be made notwithstanding past or pending proficiency ratings or the results of any previous probationary review.

(c) There may be occasions when conduct or performance issues are so egregious such that patient safety or other conditions warrant a request for formal review absent any discussion or suggestions made for improvement.

(2) **Formal Reviews**

- a. **Mid Probationary Periodic Review.** Appropriate supervisory officials and Professional Standards Boards have responsibility for periodically reviewing the services of probationary employees [for those hired in occupations under 38 U.S.C. 7401(1)]. At a minimum, at least one formal periodic review during the probationary period will be done (typically, following completion of the employee's first Proficiency Report or Performance Appraisal, as appropriate for some title 38 employees).

(1) The Human Resources Management Office will establish monitors to ensure completion of mid probationary periodic reviews.

(2) The Professional Standards Board will have access to pertinent employment records including performance evaluations, proficiency reports, counseling reports, or supervisory evaluations. The Board will consider all aspects of the employee's service.

(3) If the employee is determined to be performing satisfactorily at the time with no concerns that may warrant referral for a summary review by the Board in accordance with VA Handbook 5021, Part III, Chapter 1, the Chairperson of the Board will record that finding by endorsing the current Proficiency Report or by preparing a separate memorandum report, and the employee will be advised of the finding by the immediate supervisor.

SECTION C. PROFESSIONAL STANDARDS BOARDS

1. ESTABLISHMENT

a. Professional Standards Boards (PSBs) act for, are responsible to, and are agents of the Under Secretary for Health for occupations listed in 38 U.S.C. 7401(1), 7401(3) and part time or intermittent registered nurses (RNs) in the following matters.

[NOTE: All references throughout this section to hybrid title 38 occupations in regards to professional standards boards do not include: 1) Medical Support Assistant; 2) Medical Supply Technician (Sterile Processing); and 3) any occupations approved for hybrid status before or after the publication date of this policy. For policy and guidance on appointments and promotions pertaining to these occupations see Appendix U of this part.]

(1) Podiatrists, Optometrists, Chiropractors, RNs, Nurse Anesthetists, PAs and EFDAs. In matters concerning appointments, advancements, and probationary reviews for these occupations, PSBs will determine eligibility and recommend the appropriate grade and step for appointment, recommend candidates for advancement, and conduct probationary reviews, when applicable. This includes part time or intermittent (including temporary service) for RNs appointed under 38 U.S.C. 7405(a)(1) since May 5, 2010.

(2) Physicians and Dentists. In matters concerning appointments and probationary reviews, PSBs will determine eligibility for appointment and conduct probationary reviews. See VA Handbook 5007, Part IX, Physician and Dentist Pay regarding the role and responsibilities of compensation panels in determining physician and dentist pay for appointments.

b. Professional Standards Boards for occupations listed in 38 U.S.C. 7401(3) act for, are responsible to, and are agents of the Under Secretary for Health in matters concerning appointments and advancements of individuals in all hybrid occupations. Boards will determine eligibility and recommend the appropriate grade and step for appointment at all grade levels under authority of 38 U.S.C. 7401(3) and 7405(a)(1)(B), and will recommend candidates for special advancements for achievement and promotions to grades above the full performance level. (See VA Handbook 5005, Part III, Appendix O, Full Performance Levels for Hybrid Title 38 Positions.)

c. Members of boards serve in a dual capacity. They deal with matters in which they must divest themselves of their identity with the particular facility at which they are employed and must become representatives of and primarily concerned with the needs and problems of the entire VHA.

d. VHA management officials are responsible for ensuring the effective functioning of boards under their jurisdiction.

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e. See Appendix III-P, part III, this handbook, Procedures for Reporting Questionable Behavior and Judgment Exhibited by Hybrid Title 38 Professional Standards Boards.

f. The Organizational Structure of Hybrid Title 38 Professional Standards Boards is located in Appendix O, this part.

2. APPROVING AUTHORITIES FOR BOARD MEMBERSHIP. The following officials may approve or terminate board membership. A second Chair, or Co-Chair, may be appointed to a Board when the approving authority determines it is necessary and appropriate to do so. (For composition of boards, see paragraph 5.)

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a. **National Boards.** The Under Secretary for Health, or designee, may approve or terminate membership on National boards, including appointment of the board Chair.

b. **Regional Boards.** The Under Secretary for Health, or designee, may approve or terminate membership on Regional boards, including appointment of the board Chair.

c. **VISN Boards.** Except as provided in paragraph 3a, the Network Director will establish VISN boards. The Network Director or designee may approve or terminate membership on VISN boards, including appointment of the board Chair.

d. **Facility Boards.** The facility Director may approve or terminate membership on facility boards, including appointment of the board Chair. The appropriate service chief or equivalent position will nominate board members and recommend a board Chair.

e. **Termination of Board Membership.** Appointments to the board under paragraphs 2a through 2d above may be terminated whenever an individual's performance, conduct, or position is incompatible with board membership. Examples include receipt of performance rating of below the fully successful level (or equivalent), breach of confidentiality, failure to attend meetings or to complete assignments in a timely manner, expiration of term as Board member, and election or appointment as a union official.

3. BOARD MEMBERSHIP. (See Appendix P, this part, Procedures for Selecting Title 38 Hybrid Professional Standards Boards Members.)

a. **Persons selected to serve on boards will be chosen from the most capable, experienced and responsible personnel.** Board members must be at a grade and level that is equal to or higher than that of the candidate being considered. Board membership should also be sufficiently broad to cover the range of practice within an occupation and where possible include all grades and levels within an occupation.

b. Recommending officials will not serve on boards considering their recommendations. Employees will not serve on boards for which they serve as the approving official.

c. Boards may be composed of three or five voting members who were appointed under 38 U.S.C. chapters 73 or 74. However, when necessary, the Under Secretary for Health or designee may appoint other qualified individuals to National boards. One of the members will be appointed as chairperson of the board. Board membership will also include a Secretary, who may or may not be one of the voting members. The role of the Secretary is to record, prepare and submit notes of the Board proceedings and relevant discussion to the PSB Chair. The Secretary is also responsible for completing page two of VA Form 10-2543 and obtaining Board members' signatures. The signatures of the board members and the approving official may be original, facsimile, or digital.

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d. The Human Resources Management Officer or designee will serve as technical advisor on all board actions. Attendance at Board meetings by the Human Resources technical advisor is [] required.

SECTION E. GENERAL APPOINTMENT PROVISIONS UNDER

38 U.S.C. CHAPTER 74

1. APPOINTMENT PROCESSING REQUIREMENTS

a. **Applications Received by Facilities.** Applications received by facilities will be referred promptly to Human Resources Management Service. The Human Resources Management Officer will review applications for compliance with administrative and regulatory requirements. Candidates who fail to meet these requirements and thus fail to qualify for appointment will be notified by the Human Resources Management Officer. Applications from selectees who meet VHA requirements for appointment will be referred to the appropriate Professional Standards Board (PSB) for necessary action as follows: [(Except for those occupations under 38 U.S.C. 7401(3) defined in Appendix U of this part.)]

(1) Selection and Appointment Action

(a) The PSB will evaluate qualifications and recommend a grade level and step based on VA qualification standard requirements. With the exception of physicians and dentists, the board will also recommend a rate of pay with due consideration being given to prior service and professional achievement. (See VA Directive and Handbook 5007, Part II, Pay Administration.) The board will complete the VA Form 10-2543, Board Action, and forward all documents through the approving authority to the Human Resources Management Officer, who will effect the appointment action. For actions which require the approval of the Under Secretary for Health or designee, the facility board will enter its recommendations on VA Form 10-2543, and forward all documents through channels for approval. On approval, the originals will be returned to the facility or VISN as appropriate.

(b) For physician service chiefs and comparable positions, see appendix II-H1.

(c) For podiatrists, see appendix II-H3.

(d) For optometrists, see appendix II-H4.

(e) For chiefs of nurse anesthesiology sections, see appendix II-H6.

(f) For physician assistants (PAs) at Chief Grade, see appendix II-H7.

(g) For chiefs of pharmacy service (all grades), clinical pharmacy/pharmacy specialists, and program specialists at Grades GS-13 and above, see appendix II-H8.

(h) For occupational and physical therapists as section chief, see appendix II-H9.

(i) For registered nurses at grades IV and V, see appendices II-H5.

(j) For Dentists and EFDAs, see appendix II-H2.

(k) For doctors of chiropractic, see appendix II-H10.

NOTE: See section B, paragraph 11 of this chapter for provisions relating to Deans Committee recommendations. See M-3 for selection of Medical Investigators and Clinical Investigators appointed under this authority.

(2) **Action When No Facility Vacancy Exists.** When a facility receives an application and no appropriate vacancy exists at that facility, and the applicant wishes employment elsewhere, the HRM Officer will advise the applicant to consult the VHA vacancy database www.vacareers.com for the location of current vacancies. At the applicant's request, the application will be referred for employment consideration to the VA facility of the applicant's choice which has a suitable vacancy.

b. **Applications Received by Central Office.** If the applicant is to be considered for facility assignment, the application will be referred to the facility of the applicant's choice and processed as provided in subparagraph (1). If the applicant is to be considered for Central Office assignment, an interview may be conducted in Central Office or at a VA facility determined to be more convenient. The appropriate National Central Office PSB will consider the applicant's professional qualifications, enter its recommendations on VA Form 10-2543, and forward all forms to the appropriate approving authority. The Central Office Human Resources Service (05HR3) in Central Office will take the necessary appointment action.

c. **Applicants Not Recommended for Appointment.** When an applicant is not recommended for appointment, the standards board shall record its findings on VA Form 10-2543, Board Action, and send this form to the approving official. After approval of the Board Action, the applicant will be notified in a letter over the signature of the Chief of Staff or appropriate approving authority that the individual's appointment has not been recommended. The letter will briefly state the basis for the action. The letter should be reviewed by the Human Resources Management Officer for adherence to technical requirements.

2. APPOINTMENT ABOVE THE MINIMUM FOR SUPERIOR QUALIFICATIONS

a. Full-time, part-time, or intermittent podiatrists, optometrists, chiropractors, nurses, nurse anesthetists, PAs and EFDAs, who meet the qualification requirements for appointment, may have their initial rate of pay fixed at a step rate above the minimum of the appropriate grade in recognition of superior qualifications, experience, and/or achievement exceeding the expected standards for the grade. The initial rate of pay may be set at any step rate within the grade (See VA Directive and Handbook 5007, Part II, Pay Administration.)

NOTE: Physicians and dentists are not eligible for appointment above the minimum rate of the grade. The step rate for a physician or dentist is determined by the number of total years of service the individual has worked in the VHA as reflected by his/her VA service date. However, superior qualifications for physicians and dentists can be addressed through the use of market pay. See part IX of VA Handbook 5007.

b. Individuals appointed under authority of 38 U.S.C. 7401(3), or under authority of 38 U.S.C. 7405 to occupations identified in section 7401(3), may be appointed above the minimum step of the grade under provision of VA Directive and Handbook 5007. This includes Hybrid Title 38 occupations. [The step rate for occupations under 38 USC 7401(3) cannot be based on the number of years of experience alone. The specific criteria for steps above the minimum rate in 5007, Part II chapter 3, paragraph 3b must be justified.]

c. Appointment at a step rate above the minimum shall be based on conclusive evidence of superior qualifications which equates to the step rate assigned. Qualifications used to meet minimum grade level requirements in the qualification standard will not be used to also justify appointment at a step rate above the minimum of the grade. [Determinations as to whether an individual should be appointed at a step rate above the minimum will be made fairly, consistently, and according to Agency criteria. The following are examples of appropriate criteria:]

(1) Significant and distinguished contribution in some phase of the appropriate occupation as evidenced by difficult and original research, writing and publications in professional media of stature, or special recognition in teaching or professional practice.

(2) Special competence in the occupation as evidenced by service with professionally recognized committees, groups or responsible offices in professional societies above the local level, or consultative services within the occupation. The competence attained must be supported by achievement of renown on a regional or wider basis.

(3) Educational preparation that clearly exceeds requirements for the grade, expertise in specialized treatment modalities, outstanding competence as a clinical practitioner, or significant contributions concerning some aspect of the occupation.

(4) Eligibility for certification or certification by an American Specialty Board.

(5) Certification by the appropriate national certifying body to formally recognize a level of excellence based on demonstrated superior performance in clinical practice, assessment of knowledge, and colleague endorsement.

(6) Other appropriate evidence of professional stature.

NOTE: *Prior to recommending approval or approving actions based on certification, Professional Standards Boards will verify the possession of such recognition by the individual.*

d. **Processing.** The approval of step rates above the minimum is subject to the following requirements:

(1) **Nurses.** The facility Director (or Nurse Executive if so delegated), on recommendation, justification, and documentation by the appropriate PSB, may approve the appointment of nurses at any step above the minimum of the grade.

(2) **Nurse Anesthetists.** The facility Director, on recommendation, justification, and documentation by the facility PSB, may approve the appointment of nurse anesthetists to any step above the minimum of the grade. Nurse anesthetists appointed on or after May 4, 1993, may not be appointed at a step rate above the minimum for the grade based on certification by the Council on Certification of Nurse Anesthetists. Certification is a condition of employment and may not be used

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as a basis for appointment above the minimum step of the grade on initial appointment or reappointment.

(3) **PAs.** The facility Director, on recommendation, justification, and documentation by the facility PSB, may approve the appointment of PAs to any step above the minimum of Chief grade or below.`

SECTION F. APPOINTMENTS UNDER 38 U.S.C. 7401

1. GENERAL. The primary consideration, prior to making selections and appointments under this authority, is to evaluate qualifications and personal characteristics as they relate to what is essential to successful performance of assigned responsibilities. Prior to effecting appointments under this authority, Professional Standards Boards, (with the exception of Medical Support Assistants) [and/or Human Resources for 38 U.S.C. 7401(3) occupations (whichever is applicable)], and selecting officials are required to determine that the candidate's professional qualifications, physical and mental capacity, emotional stability, and any other pertinent qualifying factors, warrant a permanent appointment. The use of this appointment authority should essentially provide tenure for the employee and ensure the continuation of quality service for VHA. Medical Support Assistants are exempt from there requirement of Professional Standards Board for appointment actions which are the responsibility of Human Resources and the selecting official. (See section G for procedures concerning full time temporary, part time, intermittent or fee basis appointments under 38 U.S.C. 7405.)

2. APPOINTMENTS UNDER 38 U.S.C. 7401(1). Only full time permanent appointments of physicians, dentists, podiatrists, optometrists, chiropractors, nurses, nurse anesthetists, PAs, and EFDAs are made under authority of section 7401(1). These appointments are subject to a two-year probationary period requirement as specified in 38 U.S.C. 7403(b)(1). See Sections A and G of this chapter for probationary period requirements for individuals appointed as part time or intermittent registered nurses under 38 U.S.C. 7405(a)(1).

3. APPOINTMENTS FOR OCCUPATIONS UNDER 38 U.S.C. 7401(3). Only full time permanent appointments of hybrid title 38 employees are made under authority of section 7401(3). These appointments are subject to title 5 probationary period requirements (see chapter 2, section A, paragraph 9, this part).

[a. The Supervisor at the appropriate level will obtain an approval to fill a vacant position in accordance with local procedures. Once approval is obtained, the service will initiate recruitment action and contact the servicing Human Resources Office (HRO).

b. Before recruitment is initiated, Human Resources will work in collaboration with the Supervisor to determine the eligibility and qualifications requirements that pertain to the assignment and grade level for the position to be filled in accordance with the qualification standards found in VA Handbook 5005, Part II Appendices found in Appendix G.

c. Human Resources will determine eligibility and qualifications in accordance with standards found in VA Handbook 5005, Part II found in Appendix G and recommend the appropriate grade to the selecting official for appointments, promotions, reassignments and change to lower grades.

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- d. Human Resources will notify candidates who fail to meet the requirements and fail to qualify for appointment.
- e. Processing requests for promotions, reassignments and change to lower grades in compliance with VA Handbook 5005, Part III, Chapter 4, paragraph 9.
- f. Once a selection is made the Supervisor will consult with Human Resources and submit supporting documentation for utilization of pay setting flexibilities (if applicable) found in VA Handbook 5007, Part II, Chapters 2, 3 and 4, pertaining to hybrid title 38.
- g. Medical Center Director/Network Director will (for personnel under their jurisdiction) review and serve as the deciding official on requests for additional steps above the minimum on appointments.]

NOTE: *For more information on probationary periods, see section A, paragraph 4 of this chapter and VA Directive and Handbook 5021, Part III.*

b. Special Provisions for Part-Time Physicians on Adjustable Work Hours.

Part-time physicians on adjustable work hours must sign a memorandum related to service level expectations as outlined in VA Handbook 5011, Hours of Duty and Leave. Physicians may decide to discontinue complying with the Memorandum of Service Level Expectations at any time. However, this must be done in writing as a current, signed memorandum related to service level expectations is required to participate in adjustable work hours. In addition, a memorandum related to service level expectations does not alter the applicability of VHA regulations and procedures concerning terms, conditions, and duration of employment, nor does this memorandum constitute an employment contract.

c. Processing Appointments

(1) Part-time and intermittent appointments made under authority of 38 U.S.C. 7405(a)(1) will be processed (including board action [for occupations under 38 U.S.C. 7401(1)]) in the same manner as regular full-time appointments. Appointees must meet the basic requirements for appointment in VHA.

(2) For part-time employees, the expected number of hours to be performed during the service year will be determined before an appointment is affected. The expected number of hours will also be recorded on SF 50-B and will not be exceeded unless the facility Director authorizes the excess. The appointment will be effected in accordance with MP-6, part V, supplement No. 1.5.

(3) A part-time or intermittent employee may not be scheduled for employment which will exceed 1820 hours or seven-eighths of full-time employment during a service year. Generally, for employees who hold more than one type of appointment (i.e., fee basis and part-time or intermittent), the combination of basic pay and fees may not exceed the basic salary of a seven-eighths part-time employee in the same grade and step in a fiscal year. (See VA Directive and Handbook 5007, Pay Administration.)

3. UTILIZATION OF CONSULTANTS AND ATTENDINGS

a. **General.** This paragraph contains procedures for the employment of consultants and attendings on an individual basis under the authority of 38 U.S.C. 7405(a)(1) or (2).

b. Definitions

(1) **Consultant.** A well-qualified specialist in an occupation identified in 38 U.S.C. 7401(1) or (3) who is capable of giving authoritative views and opinions on subjects in the consultant's particular field. A consultant's expertness may consist of broad administrative or professional experience enabling the consultant to give advice of distinctive value.

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(2) **Attending.** An individual in an occupation identified in 38 U.S.C. 7401(1) or (3) of demonstrated ability in the field who is employed to perform or supervise the performance of duties related to various professional activities such as teaching, patient treatment, etc.

(3) **Nonmedical Consultant.** An individual, not in one of the occupations indicated in subparagraphs (1) and (2), who has excellent qualifications and a high degree of attainment in the

Qualification standards establish basic requirements which are predictive of successful performance. The application of qualification standards in VHA is an integral part of ensuring a fully qualified workforce is available to care for our patients.

4. INTERPRETING QUALIFICATION STANDARDS. The following information is pertinent to the interpretation of VA qualification standards:

a. VHA appointing officials, Professional Standards Boards, [\[and Human Resources Officers\]](#) act for the Under Secretary for Health in applying the qualification standards in a fair and consistent manner. Such decisions are made through an analysis of personal data and/or experience records. [\[Training will be provided to Human Resources Officers and management officials regarding the interpretation of qualification standards.\]](#)

b. When there is disagreement on the interpretation of a qualification standard, the appropriate HRM Officer may request an interpretation or decision from the Deputy Assistant Secretary for Human Resources Management [](059). A courtesy copy of such request will be sent to the appropriate VHA Program Official in VA Central Office, and representatives of union organizations at the national level.

5. RESPONSIBILITIES. The following is an explanation of responsibilities associated with the development of VA qualification standards:

a. Qualification standards are developed by teams with representatives from the Office of Human Resources Management [] and subject matter experts from VHA. At least 25% of the VHA team membership will be non-managerial members who are performing the work as a full time practitioner.

b. VHA Field facilities may be requested to review and comment on drafts of VA qualification standards.

6. GENERAL GUIDELINES

a. **Education and Experience Requirements.** When developing VA qualification standards, the principle of equal pay for equal work will be followed. The framework for determining grade levels for positions is contained in 5 U.S.C. § 5104 and shall be used for Title 38 Hybrid positions. Other legal provisions providing guidance include: Equal Pay Act, 29 U.S.C. § 206; Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq.; Age Discrimination in Employment Act of 1967, 29 U.S.C. § 621 et seq.; Title I of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.

b. **Basic Requirements.** Include U.S. citizenship requirements, education and/or experience required, required credentials (licensure, certification, registration), physical requirements, and English language proficiency requirement.

c. **Grandfathering Provision Clauses.** Include, if applicable, the following standard statement. If the statement is tailored for the specific occupation, a supporting explanation must be included in the package submission described in paragraph 8 of this appendix:

Grandfathering Provision. The following is the standard grandfathering policy for all Title 38 hybrid qualification standards. [The grandfathering provision does not apply to a newly established occupation and the related qualification standard that is implemented for that occupation in the VHA.] Some of these provisions may not apply to this occupation. Please carefully review the qualification standard to determine the specific education and/or licensure/certification/ registration requirements that apply to this occupation.

[All persons employed in VHA in this occupational series or in another occupational series that are also performing the duties as described in the qualification standard on the effective date of this qualification standard are considered to have met all qualification requirements for the grade held, including positive education and licensure/certification/registration that are part of the basic requirements of the occupation. For employees who do not meet all the basic requirements required in this standard, but who met the qualifications applicable to the position at the time they were appointed to it, the following provisions apply:]

Such employees in an occupation that does not require a licensure/certification/registration, may be reassigned, promoted, or demoted within the occupation.

Such employees in an occupation that requires a licensure/certification/registration, may be reassigned, promoted up to and including the full performance level, or demoted within the occupation, but may not be promoted beyond the full performance level or placed in supervisory or managerial positions.

Such employees in an occupation that requires a licensure/certification/registration only at higher grade levels must meet the licensure/certification/registration requirement before they can be promoted to those higher grade levels.

Employees who are appointed on a temporary basis prior to the effective date of the qualification standard may not have their temporary appointment extended or be reappointed, on a temporary or permanent basis, until they fully meet the basic requirements of the standard.

Employees initially grandfathered into this occupation, who subsequently obtain additional education and/or licensure/certification/registration that meet all the basic requirements of this qualification standard must maintain the required credentials as a condition of employment in the occupation.

**APPENDIX O - ORGANIZATIONAL STRUCTURE LOCATION OF
[SPECIFIC] HYBRID TITLE 38 PROFESSIONAL STANDARDS BOARDS**

OCCUPATION	BOARD LOCATION
0101 Licensed Professional Mental Health Counselor	National PSB for all grades
0101 Marriage and Family Therapist	National PSB for all grades
0180 Psychologist	VISN & Facility PSB through GS-13 National PSB for GS-14 & 15 Regional PSB for Readjustment Counseling Service (RCS) Psychologists GS-13 & below National PSB for RCS Psychologists GS-14 & [15]
0185 Social Worker	VISN & Facility PSB through GS-12 National PSB for GS-13 and & 14 Regional PSB for Readjustment Counseling Service (RCS) Social Workers GS-12 & below National PSB for RCS SWs GS-13 & 14
0601 Blind Rehabilitation Specialist/Blind Rehabilitation Outpatient Specialist	National Board –regional board members and GS-13 and above Five Regional Boards – through GS-12 Southeast – VISNs 7, 8, 9 Northeast – VISNs 1, 2, 3, 4, 5, 6 Central – VISNs 10, 11, 12, 15, 23 Southwest – VISNs 16, 17, 18, 19 Northwest – VISNs 20, 21, 22
0601 Nuclear Medicine Technologist	VISN & Facility PSB through GS-12 National PSB for all reconsideration actions
0601 Registered Respiratory Therapist	VISN & Facility PSB through GS-9] National PSB GS-[11]
0620 LPN/LVN	Facility PSB through GS-6 [Regional] PSB GS-7 [Eastern Region: VISNs 1-9 Central Region: VISNs 10-12, 15-16 & 23 Western Region: VISNs 17-22] National PSB for all reconsideration actions

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OCCUPATION	BOARD LOCATION
0672 Prosthetic Representative	Regional, VISN & Facility PSB for GS 5-11 Regional PSBs through GS-13 East Region: VISNs 1-6, & 9 South/West Region: VISNs 7, 8, 18-22 Central Region: VISNs 10-12, 15-17, & 23 National PSB for GS-14
0675 Medical Records Technician (MRT) Health Information Technician HIT, Tumor/Cancer Registry, Medical Coder, Release of Information (ROI)	VISN MRT PSB for Medical Coder GS-4 through 8 and HIT GS-4 through 7 National MRT PSB for Medical Coder GS-9 and HIT for GS-8 VISN MRT (ROI) PSB for GS-4 through 6 National MRT (ROI) PSB for GS-7 through 8 National PSB for MRT (Tumor/Cancer Registry) for GS-4 through 9
[]	[]
0681 Dental Assistant	VISN & Facility PSB through GS-7 National PSB for all reconsideration requests
0682 Dental Hygienist	VISN & Facility PSB through GS-9 National PSB for all reconsideration requests
0858 Biomedical Engineer	National PSB for all grades

NOTE 1: Regional Boards are alternate boards that are used when VISN boards cannot be constituted.

[NOTE 2: Medical Support Assistants are covered under Part III Appendix Q.]

APPENDIX P - PROCEDURES FOR SELECTING HYBRID TITLE 38 PROFESSIONAL STANDARDS BOARDS MEMBERS

1. SCOPE. This appendix provides a fair, consistent, and objective process for approving officials to follow when selecting national, regional, VISN, and facility Professional Standards Boards (PSB) members. All employees will have the opportunity to participate in the peer review process for their occupation. [] Approval and Selecting officials are encouraged to consider and select from all interested, available, and qualified employees, whenever possible.

- a. [NOTE: All references throughout this section to hybrid title 38 occupations in regards to professional standards boards do not include: 1) Medical Support Assistant; 2) Medical Supply Technician (Sterile Processing); and 3) any occupations approved for hybrid status before or after the publication date of this policy. For policy and guidance on appointments and promotions pertaining to these occupations see Appendix U of this part.]**

2. PROCEDURES.

a. Approving officials, or designees, will solicit applications for PSB members annually from all interested employees. Unions will also be asked for employee recommendations for PSB membership. These applications and recommendations will comprise the selection pool.

b. When reviewing applications and Union recommendations, the selecting official will consider such criteria as the employee's quality and quantity of experience in the occupation, the employee's most recent performance appraisal, the employee's conduct and disciplinary record, and other appropriate criteria determined by the Service Chief and VISN Medical Officer in consultation with the Human Resources Manager.

c. The employees selected for the initial Board will serve either a 1-year, 2-year, or 3-year term. At the end of each of these initial terms, all new members will be selected to serve a 2-year term. Thus, members will rotate off the Board on a staggered basis and there will always be at least one member remaining on the Board from the previous year.

d. Selections for the Boards will be made by the Facility Director, the VISN Director, or the Program Director, as appropriate.

e. The Chair of the Board will notify all applicants if they were qualified or not. Unqualified applicants will be informed of which criteria they did not meet.

f. Unions will be notified of the selections for the boards and may express concerns regarding those selections to management.

[APPENDIX S - IMPLEMENTATION OF HYBRID TITLE 38

QUALIFICATION STANDARD

1. Purpose. This appendix provides guidance on the implementation of Hybrid Title 38 (HT38) qualification standards (new and revised) and identification of positions performing the duties defined in the draft qualification standard prior to publication.

2. Background. The “Caregivers and Veterans Omnibus Health Services Act of 2010,” Public Law (PL) 111-163, was signed by the President on May 5, 2010. This Act authorizes the Secretary, Department of Veterans Affairs, to extend HT38 status to additional occupations which are considered necessary for the recruitment and retention needs of the Department. When an occupational series is approved for conversion to HT38 status the authority is granted under 38 U.S.C. 7401(3) for appointments made under 38 U.S.C. 7401(3) or those applicable under 38 U.S.C. 7405.

3. Conversion of Title 5 to New Hybrid Title 38 Qualification Standard.

a. The method which an occupation will be reviewed and converted from Title 5 (T5) to HT38 will be as follows unless otherwise advised:

(1) Workforce Management and Consulting (WMC) will develop a Hybrid Implementation SharePoint for the collection of information and data on employees and positions that are affected by the conversion of the specified occupation from T5 to HT38. Human Resources Information Service (HRIS) will initially populate the SharePoint with data pulled from the current human resources information system. This SharePoint will be utilized to facilitate the pre-conversion review, and for HR Offices to track the conversion progress as outlined in VA Handbook 5005, Part II Appendix T, Conversion of T5 Occupation to HT38.

(2) Instructions for accessing, reviewing and populating additional data and information into the SharePoint will be created by WMC. WMC will distribute the instructions with the draft qualification standard to the VISN and Facility Human Resource Officers (HROs). HRO’s are responsible in assigning staff to complete the process as instructed and within the timeframes provided. Access to the SharePoint will be limited to specific individual(s) designated by each VISN and/or Facility. Individuals granted access to the SharePoint will serve as the Human Resources points of contact (POC) for the conversion of the occupation to HT38 status.

NOTE: A copy of the draft qualification standard that will be attached to the instructions is for use in conducting the review ONLY. The draft has not been

approved and CANNOT be used for any purpose other than conducting the position review described below.

4. Pre-Conversion Position Review.

a. Human Resources Officers or designees in collaboration with Human Resources Classification and Staffing Specialists as well as the responsible service(s) must review all positions in their facilities that are responsible for performing the work described in the draft qualification standard for consistency with assignments. The work may currently be found to be classified in the designated occupational series in the draft qualification standard, or possibly other occupational series. Any positions that are determined to be covered by the ~~new~~ draft qualification standard should have the respective position description reviewed by the appropriate supervisor to ensure it is accurate and up to date. Any position descriptions not found to be up to date or accurate must be updated immediately to ensure review is based upon accurate information. Supervisors are required to comply with union contracts as applicable. Once position descriptions have been updated they must be submitted for review to determine whether or not the position will be covered by the qualification standard.

b. Each position (encumbered or vacant) determined to be performing the duties defined in the draft qualification standard must be evaluated to ensure the series is correct. Information for all employees performing duties covered by the draft qualification standard, regardless of the current occupational series of the position will be uploaded into the SharePoint. If it is determined that the duties support the occupational series the SharePoint will be populated as positive for conversion. If it is determined that a position currently classified in the occupational series does not meet the coverage definition in the draft qualification standard the SharePoint will be annotated as a negative for conversion.

c. In no case will any actions be taken as a result of this review beyond indicating in the SharePoint whether or not an employee is subject to conversion to hybrid title 38. If any actions are required at a later date, additional guidance will be issued.

NOTE: This policy does not typically apply when a revision to an existing HT38 qualification standard is published and implemented.

5. Pre-Conversion Personnel Action.

a. The pre-conversion position review will identify those positions/employees that will be converted to HT38 and covered by the draft qualification standard. The results of the pre-conversion position review will be used in processing the pre-conversion mass action. This mass action does not convert the employee from T5 to HT38.

b. HRIS will process an automated Notification of Personnel Action form (SF-50) for those employees identified in the SharePoint currently performing the duties in an occupational series other than the series defined in the qualification standard.

NOTE 1: Final conversion including grade determination will be completed through the review process found in VA Handbook 5005, Part II Appendix T, "Conversion of Title 5 Occupation to Hybrid Title 38".

NOTE 2: Employees in the occupational series that were specifically identified as not performing the duties under the position review will not be converted. These positions must be reviewed and reclassified immediately and placed in the appropriate occupational series. The change (series; classification) must be provided in writing to the employee.

NOTE 3: Positions assigned duties as described in the draft HT38 qualification standard must be converted from T5 to HT38 once the guidelines and instructions are issued. This is a requirement and there is no flexibility for facilities to choose whether or not a position will be converted. Conversions must be done within the designated timeframe.

6. Positions/Employees Identified After Pre-Conversion Review

Provisions for positions/employees not identified in the pre-conversion review (missed during pre-conversion review; placed in HT38 occupation after pre-conversion review; or missed after conversion review found in VA Handbook 5005, Part II Appendix T) are handled on a case by case basis as prescribed in VA Handbook 5005, Part II Appendix T.

7. Revision of Published HT38 Qualification Standards.

a. Published HT38 qualification standards will be reviewed by the responsible national program office to ensure requirements are up to date and accurate at least once every 5 years or when it is determined that significant changes have occurred (e.g., education; license/certification; complexities; or in the assigned responsibilities). The Program Office will make a request for a revision to the current HT38 qualification standard, when necessary.

b. Once a revision is implemented facilities may begin to use the standard effective on the dates provided in the VHA notification.

c. A revision to a published HT38 qualification standard will not require the pre-conversion review process. In those rare situations where a SharePoint is used on a revision to a HT38 qualification standard, the same process as described above in paragraph 3 will be followed.]

**[APPENDIX T - CONVERSION OF TITLE 5 OCCUPATION TO HYBRID
TITLE 38**

1. PURPOSE. This policy provides guidance and instructions on requirements for conversion of a T5 occupation to HT38. The primary purpose of the conversion review is to apply the published VA HT38 qualification standard to each employee's duties/assignment and personal qualifications to determine the proper grade level and occupational title upon conversion to HT38. This process should not result in a change to the employee's duties and responsibilities. This policy is the second phase of the implementation of a new HT38 occupational standard (see VA Handbook 5005, Part II Appendix S, Implementation of Hybrid Title 38 Qualification Standard). Human Resources Offices will utilize the final list in the pre-conversion SharePoint to complete this part of the process.

2. POLICY. The method which a position will be converted from T5 to HT38 will be as follows unless otherwise advised:

a. Positions assigned duties as described in the HT38 qualification standard must be converted from T5 to HT38 in the timeframe provided. This is a requirement with no flexibility for facilities to choose whether or not a position that falls under the coverage of a published HT38 qualification standard will be converted.

b. The conversion review will be conducted by Human Resources (HR) for each employee identified as positive for conversion in the pre-conversion position review. Before the initial conversion review process can begin, HR staff must receive training on the new qualification standard.

c. The conversion review process is not applicable to employees no longer assigned to the occupation (e.g., reassigned, promoted, resigned, retired, etc.) or no longer performing duties defined in the qualification standard at the point the HT38 qualification standard is implemented.

d. HR will utilize the guidance in VA Handbooks 5005 and 5007, as well as the appropriate and applicable new VA HT38 qualification standard.

NOTE: This policy does not apply when a revision to an existing HT38 qualification standard is published and implemented.

3. GUIDELINES AND REQUIRED DOCUMENTATION. This part provides the guidelines to be followed for conversion and the required documentation to complete the process (unless otherwise directed).

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a. **VISN and Medical Center Human Resources Officers (HRO).** HROs are responsible for the overall conversion review process and must complete the following:

(1) Review the list and ensure all positions and employees identified in the pre-conversion review are updated and maintained. The HRO will maintain this list of positions and employees to assist with future tracking and the outcome of the conversion for each employee.

(2) Review and ensure that all employees placed in positions since the pre-conversion review that are currently performing duties that fall under the coverage of the new HT38 qualification standard are added to the list for conversion and tracking.

(3) The conversion review will identify those positions/employees that will be converted to HT38 and covered by the new qualification standard. The results of the conversion review will be used in processing the conversion action.

(4) Guidance on conversion actions will be submitted to facilities under separate instruction from WMC for each occupation as the standard is released.

(5) HR is responsible for performing a review to determine the employee's grade and whether it remains the same; is outside of grades defined in the qualification standard or results in a promotion. If the grade is not defined in the qualification standard, employee should be covered by the grandfathering provision if provided in the specific occupational qualification standard. The employee will maintain their current grade and pay until such time the employee departs their position or the agency; however they will be placed against the appropriate assignment as designated in the qualification standard.

(6) Employees in the occupational series who were specifically identified as not performing the duties under the position review will not be converted. These positions must be reviewed and reclassified immediately and placed in the appropriate occupational series. Positions assigned duties as described in the new HT38 qualification standard must be converted from T5 to HT38 once the guidelines and instructions are issued. This is a requirement and there is no flexibility for facilities to choose whether or not a position will be converted. Conversions must be done within the designated timeframe.

(7) Provide a copy of the position/employee list to the supervisor(s) who have positions/employees impacted by the conversion process.

(8) Collaborates with supervisor(s) to:

(a) Ensure all positions/employees identified on the list are accurate and appropriately designated.

(b) Ensure that all positions covered by the new qualification standard are converted to HT38 status. Positions covered by the new HT38 qualification standard cannot be classified into another occupational series.

(9) Develop and establish a local implementation plan that includes the items listed below and meets the deadline established:

(a) Brief management regarding the facility conversion implementation plan; and

(b) HRO's are required to prepare notifications to be issued to affected employee(s) using the template letters provided in this part; and

(c) Issue the notification letters to employees prior to briefing orientation; and

(d) Arrange, and conduct a meeting to provide general orientation and briefing for affected employee(s) on the conversion process and what these changes entail; and

(e) Provide manager/supervisor and employee(s) documents needed for conversion (copy of this policy; qualification update sheet; sample supervisor memos; and

(f) Notify and brief designated union representatives (if applicable) regarding facility implementation plans, discuss union participation in employee briefings and provide copy of briefing materials to the union.

(10) Assist employee(s) with accessing their electronic Official Personnel File (eOPF).

(11) Ensure that the supervisor(s) have submitted a request to include appropriate documentation and information to support the conversion action for all employees on the list.

(12) Review and verify all information and documents submitted for each employee to ensure conversion requests are complete, accurate and compliant with policy. The documentation is to support and justify the request and decision. The following documents may be included in the request:

(a) Approved functional statement for position (signed and dated).

(b) Current position description

(c) Supervisor memo

(d) Current Performance Appraisal

(e) Organizational chart or evidence of position approval (for positions above the full performance level only).

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(13) Determine eligibility and qualifications in accordance with the new qualification standard and confirms the requested conversion action is compliant with policy and supported by documentation. If all requirements are met the package is sent to the HRO for final decision.

NOTE: This process should not result in a change to the employee's duties, responsibilities, or result in a reduction in grade in accordance with grandfathering provision see VA Handbook 5005, Part II, Appendix G-17, paragraph 10C and grandfathering provision in the appropriate qualification standard.

(14) After final decision is made the conversion determination is communicated to the employee(s).

(15) Ensure all necessary requests for personnel action(s) are prepared, completed, processed and approved.

(16) Ensure appropriate documents are filed in the eOPF.

b. **EMPLOYEES.** Employees are responsible for ensuring their eOPF is updated and relevant professional and personal information needed for the conversion is reflected, [i.e. updated resume with relevant experience, education, certification etc.).] Employees are also responsible for attending briefings and orientation meetings regarding the conversion and implementation process which are to be conducted on duty time.

c. **SUPERVISORS**

(1) Review the new HT38 qualification standards.

(2) Review the position/employee list received from the HRO for accuracy

(3) Ensure that all positions covered by the new qualification standard are converted to HT38 status. Positions covered by the new HT38 qualification standard cannot be classified into another occupational series.

(4) If it is determined that the work being performed is not covered by the new qualification standard; the Supervisor must collaborate with HR to reclassify the position into the appropriate occupational series.

(5) Ensure they and all the impacted employees attend the briefing and orientation meetings on the conversion and implementation process.

(6) Prepare functional statement(s) for each employee and all current and proposed positions that will be established as a result of the conversion of the T5 occupation to HT38 status.

(7) Prepare a conversion request(s) with supporting documentation. If requesting a promotion for an employee, the supervisor must provide justification of how the assignment at a higher level has been met. Promotions must be supported by

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employees' current duties and responsibilities and cannot be based on additional duties and responsibilities added to the position during the conversion process.

(8) Review documents submitted for accuracy. Clarify any documents as needed and evaluate the information.

(9) Submit functional statement to HR along with documents to support and justify the request and conversion decision. The following additional documents may be included in the request:

(a) Current position description.

(b) Supervisor memo.

(c) Current Performance Appraisal.

(d) Organizational chart or evidence of position approval (for positions above the full performance level only).

NOTE: There is no reconsideration (appeal) for a personnel action taken on a position/employee converted from title 5 to hybrid title 38. The conversion is solely for the purpose of applying the new qualification standard.

NOTE: An appropriate grade will be determined for each employee that may or may not result in a promotion. The promotion reconsideration and review guidance described in VA Handbook 5005, Part III, and Section B applies to promotion reconsideration requests, not to the conversion personnel action.

After the conversion, supervisors may request that an employee be considered for promotion on a date other than the anniversary date of grade if the employee is selected for a supervisory or managerial assignment that warrants consideration for higher grade and for assignments based on complexity.

5. Promotions Resulting From Conversion.

a. Employees who are found to be eligible and qualified for a promotion on the date the HT38 qualification standard is implemented will have their promotions effective the first day of the pay period after the date the qualification standard was implemented. At the election of the employee, a promotion may also be made effective at a future date set by the approving authority that does not violate law or negotiated agreement when doing so would benefit the employee (i.e. when an employee is due a within grade increase).

b. Employees who are eligible and qualified for a promotion up to the full performance level (FPL) after the effective date of the implementation of the HT38 qualification standard are to apply the policy found in VA Handbook 5005, Part III, Chapter 4, Section B paragraph 6(b) (unless otherwise instructed).

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NOTE. The anniversary date of grade is the date of appointment or date of highest promotion grade for a hybrid employee. The automatic review for promotion consideration above the full performance level only occurs on the first anniversary for that grade level.

6. Conversion Not Completed. A position/employee that was identified as meeting the definition of the new HT38 qualification standard and was included in the pre-conversion process but not converted must be converted immediately once discovered following the provisions prescribed and in effect at the time of conversion.

7. Positions/Employees Not Identified During Reviews. Positions/employees not identified in the pre-conversion review or conversion process but are found to be performing the duties as defined in the qualification standard at a later date are covered by the grandfathering provisions found in the qualification standard. The facility/organization must prepare a written statement and justification that reconstructs the necessary information as of the date the individual should have been converted. Documentation must include evidence employee was performing the work described in the HT38 qualification standard at the time it was published (based on appropriately classified position description on the date the qualification standard was published) but was “missed” when the conversion(s) took place. Actions must be submitted and approved by the VISN Director for field positions and VHA Program Office Director for national level positions. HR will need to manually complete the personnel actions in accordance with the original implementation guidance. These actions are to be processed timely.

THIS LETTER MUST BE ISSUED PRIOR TO BRIEFING ORIENTATION MEETING.

TEMPLATE LETTER FOR CURRENT VA EMPLOYEES

IN NEW HYBRID OCCUPATION:

[Insert title of occupation (e.g., Dietitian)]

GS-(insert occupational series)

The “Caregivers and Veterans Omnibus Health Services Act of 2010” authorizes the Secretary, Department of Veterans Affairs, to extend hybrid Title 38 status to additional occupations. The (insert title of occupation), GS-(insert occupational series) occupational series has been identified for conversion from the title 5 Competitive Service to hybrid title 38 status in the Excepted Service. You occupy a position classified in the GS-(insert occupational series) occupational series or the duties and responsibilities of your position substantially meet the assignment definition of a (insert title of occupation). This conversion does not affect bargaining unit status. Your rights under a collective bargaining agreement (if applicable) are those of a hybrid title 38 employee. Orientation to the change of your position to hybrid title 38 will occur on (insert date). The following describes how this conversion will affect your position:

Full-Time, Part-Time and Intermittent Employees Appointed Without Time Limitation

Pay. The change to hybrid status does not affect your current grade, step, or salary rate. Also, you are now entitled to title 38 weekend premium pay at the rate of 25 percent of your basic hourly rate of pay for each hour of service, any part of which is between midnight Friday and midnight Sunday, instead of each hour of service on a tour of duty.

Staffing. Effective (insert date), you will be covered by the hybrid title 38 employment system. With this change your position will now be covered by the (insert qualification standard). Human Resources will conduct an initial review of your position based on current assigned duties. A functional statement will be developed and issued that replaces your current position description. You have the responsibility to submit information for this initial conversion review process by updating your employment history in your e-OPF as will be discussed in the briefing orientation.

Promotion. If you are in a career ladder position the process for promoting hybrid title 38 employees differs from the process for promoting title 5 employees. This process will be explained at the briefing orientation.

Adverse Action Rights. You remain covered by the same applicable agency and negotiated disciplinary and adverse action procedures and grievance procedures as prior to the conversion.

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Employees Appointed on a Time-Limited Basis

Employees appointed on a time-limited basis will remain on a time-limited basis upon conversion to hybrid title 38. All of the information on Staffing and Pay described above for employees appointed without time limitation basis applies to employees appointed on a time-limited basis on the same type of work schedule, that is, full-time, part-time, or intermittent. There is no change in adverse action rights for employees appointed on a time-limited basis.

Department of**Memorandum****Veterans Affairs****Date:****From:** Supervisor**Subj:** Conversion Request**To:** Human Resources Officer**Thru:** Chief, Service and/or Care Line Manager

1. I recommend (*insert name of employee(s)*) for consideration for GS-(**insert GS level**), (**insert title of occupation**). The functional statement for this assignment is attached along with other supporting documentation for this employee/all employees listed below.

2. Your consideration for this request is appreciated.

*Name of Supervisor**Title**Telephone Number*

Department of
Veterans Affairs
Date:

Memorandum

From: *(Supervisor)*

Subj: Recommendation for Promotion – Conversion Request

To: Human Resources Officer

Thru: Chief, Service and/or Care Line Manager

1. I recommend *(insert name of employee)*, GS-*(insert employee's current grade level)* be considered for promotion to GS-**(insert proposed grade level)** **(insert proposed title of occupation)**, based upon the employee's current assignment as *(insert current title of occupation)*.
2. *(Justification as to how the employee's position has changed and how the position is being supported).*
3. The functional statement for the proposed assignment is attached along with other supporting documentation to include approved organizational chart showing the position.
4. *(Insert name of employee)* is able to assume greater responsibility and function at fully successful or higher.
5. Your consideration of this request is appreciated.

Name of Supervisor
Title
Telephone Number

**[APPENDIX U. PROCEDURES FOR APPOINTING AND ADVANCING
HYBRID TITLE 38 OCCUPATIONS**

1. SCOPE. This appendix contains the policy and requirements that apply to the appointments, promotions and compensation of: 1) Medical Support Assistants; 2) Medical Supply Technicians (Sterile Processing); and 3) any occupations approved for hybrid status before or after the publication date of this policy in Veterans Health Administration (VHA) and appointed under sections 7401(3) and 7405 of title 38, United States Code .

2. POLICY

a. Appointment and promotion actions will be taken without regard to race, color, religion, sex, national origin, disability, age, sexual orientation, or status as a parent, or any other non-merit factor, and shall be based solely on job-related criteria.

b. Promotion actions will conform to the restrictions governing the employment of relatives. (See VA Handbook 5025, Legal.)

c. All hiring actions will adhere to Veterans Preference requirements.

d. Nothing in this handbook shall be interpreted to change hybrid title 38 grievance rights previously negotiated under collective bargaining agreements in existence as of the date of this publication.

3. RESPONSIBILITIES

a. **Human Resources are responsible for:**

(1) Before recruitment is initiated, Human Resources will work in collaboration with the Supervisor to determine the eligibility and qualifications requirements that pertain to the assignment and grade level for the position to be filled in accordance with the qualification standards found in VA Handbook 5005, Part II Appendices found in appendix G.

(2) Determining eligibility and qualifications in accordance with standards found in VA Handbook 5005, Part II found in Appendix G and recommending the appropriate grade to the selecting official for appointments, promotions, reassignments and change to lower grades.

(3) Human Resources will notify candidates who fail to meet the requirements and fail to qualify for appointment.

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(4) Processing requests for promotions, reassignments and change to lower grades in compliance with VA Handbook 5005, Part III, Section B;

b. The Supervisor at the appropriate level is responsible for:

(1) Obtaining an approval to fill a vacant position in accordance with local procedures. Once approval is obtained the service will initiate recruitment action and contact the servicing Human Resources Office (HRO).

(2) The Supervisor will review applications referred for selections. It is recommended that Supervisors who are not subject matter experts consult subject matter experts when evaluating applications. This may take the form of a panel.

(3) Once a selection is made the Supervisor will consult with Human Resources and submit supporting documentation for utilization of pay setting flexibilities (if applicable) found in VA Handbook 5007, Part II, Chapters 2, 3, and 4, pertaining to hybrid title 38.

(4) Review requests or recommendations for promotions and make recommendations consistent with paragraphs 5, 6 and 7 below.

c. The Medical Center Director/Network Director: will (for personnel under their jurisdiction) review and serve as the deciding official on requests for additional steps above the minimum on appointments

4. APPOINTMENTS AND REQUIREMENTS

a. Appointment. General information (see VA Handbook 5005, Part II, chapter 3, section F paragraph 3).

b. Dual Employment and Compensation Restrictions. See VA Handbook 5005, Part II, Chapter 3, paragraph 3b.

c. Qualification Standards. The qualification standards for individual occupations are contained in Part II, Appendix II-G and general qualification standard information in VA Handbook, Part II, chapter 3, paragraph 3f.

d. Veterans Preference. See VA Handbook 5005, Part I, chapter 4 and VA Directive and Handbook 5021, Part III.

NOTE: VA is required to follow title 5 Veterans' preference rules when hiring individuals for Hybrid Title 38 position. See 38 U.S.C. 7403(f)(2); VA Handbook 5005 Part I, Chapter 4.

e. **LEIE and HIPDB Sanction List.** See chapter 1, section B, paragraph 2 of Part II.

f. **English Language Proficiency.** See Part II, chapter 3, Appendix II-I of this Handbook.

g. **Physical Requirements.** See VA Handbook 5019, Occupational Health.

h. **Probationary Periods.** See section A, paragraph 4 of this Handbook.

i. **Appointment above the minimum.** Individuals appointed under authority of 38 U.S.C. 7401(3), or under authority of 38 U.S.C. 7405 to occupations identified in section 7401(3), may be appointed above the minimum step of the grade under provisions of VA Directive and Handbook 5007. The step rate for occupations under 38 USC 7401(3) cannot be based on the number of years of experience alone. The specific criteria for steps above the minimum rate in VA Handbook 5007, Part II, chapter 3, paragraph 3b must be justified.

j. **Appointment above the minimum for superior qualifications.**

(1) Appointment at a step rate above the minimum shall be based on conclusive evidence of superior qualifications which equates to the step rate assigned. Qualifications used to meet minimum grade level requirements in the qualification standard will not be used to also justify appointment at a step rate above the minimum of the grade. The following are examples of appropriate criteria:

(2) Significant and distinguished contribution in some phase of the appropriate occupation as evidenced by difficult and original research, writing and publications in professional media of stature, or special recognition in teaching or professional practice.

(3) Special competence in the occupation as evidenced by service with professionally recognized committees, groups or responsible offices in professional societies above the local level, or consultative services within the occupation. The competence attained must be supported by achievement of renown on a regional or wider basis.

(4) Educational preparation that clearly exceeds requirements for the grade, expertise in specialized treatment modalities, outstanding competence as a clinical practitioner, or significant contributions concerning some aspect of the occupation.

(5) Eligibility for certification or certification by an American Specialty Board.

(6) Certification by the appropriate national certifying body to formally recognize a level of excellence based on demonstrated superior performance in clinical practice, assessment of knowledge, and colleague endorsement.

(7) Other appropriate evidence of professional stature.

NOTE: *Prior to recommending approval or approving actions based on certification, Human Resources will verify the possession of such recognition by the individual.*

k. **Processing.** The approval of step rates above the minimum is subject to the approval of the facility Director on recommendation of the Human Resources Office is required.

5. PROMOTIONS

a. This section contains instructions and procedures governing the promotion of employees who are appointed under sections 7401(3) and 7405(a)(1)(B) of title 38, United States Code. Promotion is advancement to a higher grade level and recognizes that an employee is providing a higher level of service to VA.

b. The promotion system shall provide advancement opportunities for employees, predicated upon the recognition of the quality of service rendered, additional experience and professional attainment as determined by an examination of the employee's individual record.

c. To meet the criteria for promotion, the individual must meet the criteria for the next higher grade level in the qualification standard. Examination of the individual's total record must reveal evidence that the contribution to VA medical service is of sufficient value to warrant promotion. Potential for continuously greater contribution is also a prerequisite. Reviews and recommendations of supervisors and Human Resources will be sufficient to ensure that promotion is fully merited and not recommended based on meeting administrative requirements alone.

6. PROMOTION – GENERAL

a. Administrative Requirements for Consideration

(1) A current performance rating of "Satisfactory" or higher.

(2) The experience, education, and performance requirements set forth in the qualification standard. Employees must meet the same grade requirements, including the specified demonstrated accomplishments, as for appointment. Any deviation or exception to these requirements will be limited to those specified in the qualification standard.

b. Promotions Based on Additional Experience and/or Education. Promotions based solely on additional experience acquired by the employee shall be limited to advancements of one grade or grade interval at a time. If an employee has attained a higher level of education that, when combined with their additional experience, is qualifying for a grade higher than the next grade or grade interval, the employee may be promoted to whatever grade in the qualification standard the additional education warrants.

7. PROMOTION CONSIDERATION

a. Eligibility. Full-time, part-time, and intermittent employees shall be considered periodically, consistent with 7-b and 7-c below, for promotion in their current occupation. Eligibility for such promotion considerations shall be based upon fully meeting prescribed administrative requirements.

(1) Approximately 60 days prior to the date the employee meets the required period for promotion consideration, Human Resources Management Officers will notify the appropriate supervisory officials that the employee is eligible for promotion consideration to the next higher grade level up to the full performance level. The supervisor will notify the employee no later than 30 days prior to the employee's anniversary date. The employee shall then be given 30 days to submit to their supervisor a self-assessment of their qualifications for promotion consideration. Employees may also notify their supervisor in writing that they are declining to submit a self-assessment during this 30 day period. If this is done, the supervisor will proceed with a recommendation. If a self-assessment or declination is not submitted the supervisor will proceed with the recommendation at the end of the 30 day period.

b. Promotion to Grades at or Below Full Performance Level

(1) Promotions to grades at or below the full performance level (see Appendix III-O, this part) will be based on the recommendation of the immediate supervisor, recommendation of approval by the second level supervisor and personnel action approved by Human Resources Officer. Upon receipt of the employee's self-assessment or written declination or expiration of the 30 day time period, the immediate supervisor will make a recommendation on promotion to the second level supervisor. The second level supervisor is to be acted upon by the second level supervisor within 30

days of the submission of the self-assessment or written declination by the employee or expiration of the 30 day time period whichever comes first.

(2) Employees who have demonstrated the capability to successfully perform at the next higher grade level will be recommended for promotion. Promotions will become effective on the first day of the first full pay period following approval by the second level supervisor. In no case will the promotion be effected later than the first day of the first full pay period commencing 60 days after the employee's anniversary date.

(3) Employees who have not demonstrated such capability will be informed in writing by the immediate supervisor that they are not being recommended for promotion. The written notice will state the reason(s) why the employee does not meet the criteria for promotion. The immediate supervisor may recommend the employee for promotion at a later date if it is determined that the employee has met the appropriate criteria. If not promoted during the intervening period, the employee is entitled to promotion consideration on the next anniversary date of grade. Employees who are not promoted may request promotion reconsideration under paragraph 8 below.

c. Promotion to Grades above the Full Performance Level.

(1) Employees who are eligible for promotion consideration to a grade that requires a combination of personal qualifications and assignment characteristics are to be considered for promotion to such grades on the first anniversary date of their last promotion, provided they meet the administrative requirements. This automatic consideration only occurs on the first anniversary for each grade level. In addition, employees who are selected for supervisory or managerial assignments that warrant consideration for a higher grade and for assignments based on complexity will be considered for promotion on a date other than the anniversary date of last promotion.

(2) If after reviewing the employee's self-assessment, if submitted, and other relevant material, the appropriate management official (e.g., service chief) determines that the assignment does not meet the qualification standard for a higher grade, that official shall document the reasons for this determination in writing and provide a copy of the determination to the employee. Employees who do not agree with the determination may request promotion reconsideration under paragraph 8 below.

(3) If the appropriate management official believes the assignment meets the qualification standard requirements for promotion, a request for personnel action is to be prepared and submitted, along with all relevant information to Human Resources for consideration within 30 days. If applicable, the

employee will be given a copy of the supervisor's comments relating to the self-assessment. Human Resources Staffing Specialist will review and forward its recommendation on qualifications to the Human Resources Officer, for approval of personnel action. Human Resources will have no more than 30 days to complete their review. Promotions will become effective on the first day of the first full pay period following approval by the approving official. In no case will the promotion be effected later than the first day of the first full pay period commencing 60 days after the employee's anniversary date.

(4) If under paragraph (2) or (3) above, the appropriate management official or Human Resources Officer does not recommend the employee's promotion, the employee will no longer receive an automatic annual promotion consideration. The appropriate management official may recommend such employee for promotion at any time in the future provided the employee's duties and responsibilities change to the point that the criteria for promotion to the next grade may be warranted. Employees may request promotion consideration by the appropriate management official on subsequent anniversary dates if their duties have changed since they were last considered and the employee believes that these changes meet the criteria in the qualification standard for a higher grade. For the reconsideration process for a denial, see paragraph 8 below.

8. PROMOTION RECONSIDERATION AND REVIEW

b. a. Coverage. This paragraph applies to individuals appointed under 38 U.S.C. 7401(3) or 7405(a)(1)(B).

b. Notice of Decision. Employees are to be advised by their supervisors in writing of any decision not to promote them, of the reason(s) for the decision, of their right to request reconsideration, and that reconsideration must be preceded by an informal discussion with their supervisor.

c. Informal Discussion. Employees and their supervisor must meet to discuss the recommendation not to promote prior to the employee submitting a request for reconsideration under paragraph d below.

d. Reconsideration Requests

(1) To Grades at or Below the Full Performance Level

(a) If promotion to a grade at or below the full performance level (see Appendix III-O, this part) is involved, the employee may, within 30 days of being notified of the decision, submit a written request through the immediate supervisor to the second level supervisor for reconsideration. The employee's

written request for reconsideration must indicate when the informal discussion was held with the immediate supervisor and cite the specific reason(s) why the employee believes the decision was not proper. The Medical Center Director, Network Director, or appropriate higher level designee (whichever is applicable) may extend the 30-day period at the written request of the employee if the employee is unable to submit the information for reasons beyond the employee's control.

(b) Second level supervisors are to review the employee's request within 30 days and determine whether to promote the employee. If the second level supervisor determines that a promotion is not warranted, that supervisor will provide the reasons for this decision to the employee in writing.

(c) If the employee is not satisfied with the explanation of the determination to not promote, the employee can request within 30 days to have the determination reviewed and recommendation made by the next higher level manager. The employee's request for reconsideration and the supervisor's explanation will be forwarded to the next higher level manager within 30 days.

(d) The next higher level manager will make a recommendation within 30 days and submit through the servicing Human Resources Office to the Medical Center Director, Network Director, or appropriate higher level designee (whichever is applicable), who will make a final decision within 30 days.

(e) If the promotion is approved, the employee is to be promoted on the first day of the first pay period following a decision by the approving official. In no case will the promotion be effected later than the first day of the first full pay period commencing 60 days after the employee submits a written request for reconsideration, unless the employee requested an extension to the 30-day period to submit a written request for reconsideration. In such cases, the number of additional days taken by the employee to submit a request will be added to the 60-day time limit. If the promotion is denied, the employee will be provided with a copy of the decision.

(2) For Promotions to Grades above the Full Performance Level

(a) Within 30 days of the non-promotion decision, an employee may submit a written request for reconsideration to their immediate supervisor. This 30 day period may be extended at the written request of the employee if the employee is unable to submit the information for reasons beyond the employee's control.

(1) The employee's written request for reconsideration must indicate when the informal discussion (see Paragraph 8c above) was held with the immediate

- a. supervisor and cite the specific reason(s) why the employee believes the decision was not proper.
- (2) Immediate supervisors are to review and comment on the employee's request in writing, and provide copies of those comments to the employee within 15 days.
- (3) The immediate supervisor will submit the written reconsideration request and any supervisory comments to the next higher level supervisor.

(b) The next higher level supervisor will review the information submitted by the employee, along with the immediate supervisor's comments, and make a recommendation to Medical Center Director, Network Director, or appropriate higher level designee (whichever is applicable) through Human Resources within 15 days.

- (1) If Human Resources determines that the employee's request does not include when the informal discussion was held or the specific reasons why the employee believes the decision was not proper, Human Resources will return the request to the employee for completion.
- (2) The employee has 30 days from the date of receipt of the returned request to obtain the additional information and return it to Human Resources. The Medical Center Director, Network Director, or appropriate higher level designee (whichever is applicable) may extend the 30-day period if the employee is unable to submit the information for good cause shown.
- (3) The Medical Center Director, Network Director, or appropriate higher level designee (whichever is applicable) has 15 days to make decision. This 15 day period may be extended up to the number of days it took the employee to provide the appropriate management official with the proper information.
- (4) Upon making the decision, the Medical Center Director, Network Director, or appropriate management official (as the approving official) will forward the decision to the Human Resources for action under paragraph e. below.

e. Action by Human Resources. Upon receipt of the reconsideration file, Human Resources shall take one of the following actions within 15 days:

- (1) If approved, promotions will be made effective on the first day of the first full pay period following approval. In no case will the promotion be effected later than the first day of the first full pay period commencing 60 days after the employee submits a written request for reconsideration, unless the employee requested an extension of the 30-day period to submit a written request for reconsideration. In such cases

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the number of additional days taken by the employee to submit a request will be added to the 60-day time limit.

- (2) If disapproved, Human Resources will notify the employee of the decision in writing.

9. COVERAGE AS EMPLOYEE GRIEVANCE. Requests for promotion reconsideration are excluded from the Agency Grievance Procedure. See VA Handbook 5021, Part IV, Chapter 3, paragraph 16. Promotion reconsideration decisions are excluded from the negotiated grievance procedure pursuant to 38 U.S.C. 7403(f)(1)(B). The decision of whether or not to promote a bargaining unit employee is not subject to the negotiated grievance procedure but a failure on the part of the agency to follow the promotion/reconsideration procedure in this policy may be.

10. EFFECTING ADVANCEMENT AND PROMOTION ACTIONS

a. Effective Date

(1) The promotion will be made effective by the Human Resources Management Officer on the first day of the pay period following the date of approval of the promotion by the approving official, but in no case earlier than the date on which all administrative requirements are met. A promotion may also be made effective at a future date set by the approving authority that does not violate law or negotiated agreement when doing so would benefit the employee. Promotion recommendations and actions that are administratively delayed beyond the time limits specified in paragraphs 7 and 8 above will be made retroactive.

(2) If an employee becomes eligible for promotion while on LWOP for purposes for which they have a statutory entitlement to receive promotion consideration (e.g., military service, OWCP), no action will be taken until the employee returns to duty. If the employee on return to duty meets all of the requirements for promotion consideration, he or she will be considered for promotion as if he or she had been continuously employed in the position.

NOTE: See chapter 6, this part, for effecting promotion actions upon return from military service.

11. TEMPORARY PROMOTIONS

a. An employee may be temporarily promoted to a higher graded position where the grade of the position is based on the complexity of the assignment. The employee must meet the administrative and qualification requirements for

promotion and such promotions are to be processed using the procedures in paragraphs 5, 6 and 7 above.

b. On expiration or termination of the assignment, the grade and salary of the employee will be adjusted in accordance with the provisions of VA Handbook 5007, Pay Administration. In applying the provisions of this handbook, the salary will be adjusted to the salary held previously, unless a higher rate is warranted by reason of periodic step increases. On assignment, the following statement will be placed in the "Remarks" item of the SF 50-B, Notification of Personnel Action: "Employee informed of conditions of temporary grade assignment."

c. This temporary promotion no longer requires a professional standards board action and will occur without recourse to such board action. The absence of a board action shall not bar an employee from grieving a failure to temporarily promote pursuant to this section under the negotiated grievance procedure or agency grievance procedure as appropriate.

12. OTHER GRADE CHANGES. See Part III, chapter 4, Section B and paragraph 9 of this handbook.]

CHAPTER 4. TITLE 38 AND HYBRID TITLE 38 PROMOTIONS AND INTERNAL PLACEMENTS

SECTION A. PROMOTION OR CHANGE IN ASSIGNMENT AND INTERNAL PLACEMENT OF TITLE 38 EMPLOYEES

1. GENERAL

a. This section contains instructions and procedures governing the advancement of podiatrists, optometrists, chiropractors, registered nurses (RNs), nurse anesthetists, physician assistants (PAs) and expanded-function dental auxiliaries (EFDAs) appointed under authority of 38 U.S.C. 7401(1) or 7405(a)(1)(A); and medical and dental residents appointed under authority of 38 U.S.C. 7406.

NOTE 1: *Residents serving under a disbursement agreement are excluded from coverage under the provisions of this section.*

NOTE 2: *VHA physicians and dentists are excluded from coverage for promotion procedures as described in this section. See VA Handbook 5007, Pay Administration, Part IX, for guidance for pay regulations and procedures.*

[NOTE 3: Promotions on occupations covered under 38 U.S.C. 7401(3) can be found in Part II, Appendix U and Section B of this part.]

b. The promotion system shall provide advancement opportunities for employees, predicated upon the recognition of the quality of service rendered, additional experience and professional attainment as determined by a thorough review of the employee's individual record.

c. To meet the criteria for promotion, the individual must meet the criteria for the next higher grade level in the applicable VA qualification standard. A review of the individual's total record must show evidence that the contribution to VA medical service is of sufficient value to warrant promotion. Potential for continuously greater contribution is also a prerequisite. Reviews and recommendations of professional standards boards will be sufficient to ensure that promotion is fully merited and not recommended based on meeting administrative requirements alone. The individual's total record and professional stature will be carefully evaluated and supported by documentary evidence as necessary.

d. Promotion actions will be taken without regard to age, race, color, religion, sex, national origin, lawful partisan political affiliation, marital status, physical or mental disability (when the employee is qualified to do the work), or membership or non-membership in a labor organization, or any other non-merit factor.

e. Promotion actions will conform to the restrictions governing the employment of relatives. (See VA Handbook 5025, Legal.).

f. Promotion and advancement opportunities shall include:

(1) Promotion

(a) Promotion to a higher grade in recognition of substantially greater service to the patient and VA.

**SECTION B. PROMOTION AND INTERNAL PLACEMENT OF HYBRID
TITLE 38 EMPLOYEES**

1. GENERAL

a. This section contains instructions and procedures governing the promotion of employees in hybrid title 38 occupations who are appointed under sections 7401(3) and 7405 (a)(1)(B) of title 38, United States Code []. Promotion is advancement to a higher grade level and recognizes that an employee is providing a higher level of service to VA.

[NOTE: All references throughout this section to hybrid title 38 occupations do not include: 1) Medical Support Assistant; 2) Medical Supply Technician (Sterile Processing); and 3) any occupations approved for hybrid status before or after the publication date of this policy. For policy and guidance on appointments and promotions pertaining to these occupations see Part II, Appendix U.]

b. The promotion system shall provide advancement opportunities for employees, predicated upon the recognition of the quality of service rendered, additional experience and professional attainment as determined by an examination of the employee's individual record.

c. To meet the criteria for promotion, the individual must meet the criteria for the next higher grade level in the applicable VA qualification standard. Examination of the individual's total record must reveal evidence that the contribution to VA medical service is of sufficient value to warrant promotion. Potential for continuously greater contribution is also a prerequisite. Reviews and recommendations of supervisors and professional standards boards [] will be sufficient to ensure that promotion is fully merited and not recommended based on meeting administrative requirements alone.

d. Promotion actions will be taken without regard to race, color, religion, sex, national origin, disability, age, sexual orientation, or status as a parent, or any other non-merit factor, and shall be based solely on job-related criteria.

e. Promotion actions will conform to the restrictions governing the employment of relatives. (See VA Handbook 5025, Legal.)

f. Employees may also be advanced in steps within a grade. (For Special Advancements for Achievement and Special Advancements for Performance see Handbook 5017, Employee Recognition and Awards).

**2. PERSONS AUTHORIZED TO ACT ON RECOMMENDATIONS OF
BOARDS FOR PROMOTIONS**

(See appendix III-K, this part.)

3. PROFESSIONAL STANDARDS BOARDS

See part II, chapter 3, section C, this handbook, for VA policy covering Professional Standards Boards []. See Appendix II-O, part II, this handbook, Organizational Structure of Hybrid Title 38 Professional Standards Boards. See Appendix II-P, part II, this handbook, Procedures for Selecting Hybrid Title 38 Professional Standards Boards Members. See Appendix III-P, this part, Procedures for Reporting Questionable Behavior and Judgment Exhibited by Hybrid Title 38 Professional Standards Boards Members.

**APPENDIX M. PROCESSING TITLE 38 PROMOTIONS AND
ADVANCEMENTS**

HOW TO PROCESS A PROMOTION FOR PODIATRISTS, CHIROPRACTORS, NURSE ANESTHETISTS, PHYSICIAN ASSISTANTS, EXPANDED-FUNCTION DENTAL AUXILIARIES, AND TITLE 38 HYBRID OCCUPATIONS		
A		B
	If full-time, part-time or intermittent employee is in a	then take these steps for promotion up to the full performance level
	title 38 hybrid occupation [(EXCEPT TO HYBRID TITLE 38 OCCUPATIONS COVERED UNDER PART II, APPENDIX U – SEE APPENDIX)]	Upon receipt of VA Form 5-97, Notice of Pending Personnel Action, the HRM Office will forward the original to employee’s service chief. A duplicate copy will be retained in the HRM office as a suspense copy.
		The immediate supervisor will notify employee of eligibility for promotion, and employee will be given 30 days to submit self assessment. The immediate supervisor will make a formal promotion recommendation to the approving official based on an evaluation of employee’s self assessment, performance, experience and/or education, as appropriate. Recommendation will meet criteria described in section B, chapter 4, this part. Employees who have demonstrated the capability to successfully perform at the next higher grade level will be recommended for promotion.
		Upon concurrence of the promotion recommendation by the approving official, the appropriate personnel action will be prepared and submitted along with supporting documentation to the HRM Office. The promotion will be effected no later than the first day of the first full pay period commencing 60 days after employee’s anniversary date.
		If promotion is not recommended, the immediate supervisor will notify the employee in writing that they are not being recommended for promotion. The written notice will state the reason(s) why the employee does not meet the criteria for promotion, the right to reconsideration, and that requests for reconsideration must be preceded by an informal discussion with their supervisor. Reconsideration request procedures will follow criteria described in paragraph 6 of chapter 4, this part [(except for Medical Support Assistants; see Appendix III-Q)].
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HOW TO PROCESS A PROMOTION FOR PODIATRISTS, CHIROPRACTORS, NURSE ANESTHETISTS, PHYSICIAN ASSISTANTS, EXPANDED-FUNCTION DENTAL AUXILIARIES, AND TITLE 38 HYBRID OCCUPATIONS		
A		B
	If full-time, part-time or intermittent employee is in a	then take these steps for promotion above the full performance level
	title 38 hybrid occupation	Upon receipt of VA Form 5-97, Notice of Pending Personnel Action, the HRM Office will forward the original to employee's service chief. A duplicate copy will be retained in the HRM office as a suspense copy. (Employees who are eligible for promotion consideration to a grade that requires a combination of personal qualifications and assignment characteristics are to be considered for promotion to such grades on the first anniversary date of their last promotion, provided administrative requirements have been met.)
	[(EXCEPT TO HYBRID TITLE 38 OCCUPATIONS COVERED UNDER PART II, APPENDIX U – SEE APPENDIX)]	The immediate supervisor will notify employee of eligibility for promotion, and employee will be given 30 days to submit self assessment. The immediate supervisor will make a recommendation for promotion to the appropriate management official (e.g. service chief) based on an evaluation of employee's self assessment, performance, experience and/or education and assignment. Recommendation will meet criteria described in section B, chapter 4, this part.
		<p>If the appropriate management official determines the personal qualifications and assignment does <u>not</u> meet the qualification standard to warrant promotion above the full performance level, the employee will be notified in writing that they are not being recommended for promotion. The written notice will state the reason(s) why the employee does not meet the criteria for promotion, the right to reconsideration, and that requests for reconsideration must be preceded by an informal discussion with their supervisor. Reconsideration request procedures will follow criteria described in paragraph 6, chapter 4, this part [(except for Medical Support Assistants; see Appendix Q, this part)].</p> <p>If the appropriate management official determines the personal qualifications and assignment meets the qualification standard to warrant promotion above the full performance level, the appropriate recommendation will be submitted through the Chief of Staff, Associate Director, Associate Director for Patient Services or Nurse Executive and HRM Office to the Professional Standards Board for consideration within 30 days [(except for Medical support Assistants; see Appendix Q, this part)].</p>

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HOW TO PROCESS A PROMOTION FOR PODIATRISTS, CHIROPRACTORS, NURSE ANESTHETISTS, PHYSICIAN ASSISTANTS, EXPANDED-FUNCTION DENTAL AUXILIARIES, AND TITLE 38 HYBRID OCCUPATIONS		
		The Professional Standards Board [(except for Medical Support Assistants; see Appendix Q, this part)] will examine the personnel folder, supervisory evaluations and all other information furnished. Additional information may be obtained at the direction of the board. Boards will report their findings on VA Form 10-2543, Board Action. All members will sign and date the form. The board action and all related papers will then be forwarded to the appropriate promotion approving authority listed in Appendix III- K. Action by the approving authority is required even when promotion is not recommended by the Board. The approving authority will note the final decision on the Board's recommendation, sign and date VA form 10-2543 and take appropriate action].